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**BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS****LEGISLATIVE REPORT**

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**May 8, 2009**

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**AB 48**

**AUTHOR:** Portantino [D] and Niello [R]  
**TITLE:** Private Postsecondary Education  
**INTRODUCED:** 12/1/2008  
**AMENDED:** 4/2/2009

**SUMMARY:**

This bill would provide for the California Private Postsecondary Education Act of 2009. The bill would establish the Bureau for Private Postsecondary Education in the Department of Consumer Affairs as a successor agency to the former bureau. The bill would appropriate the sum of \$580,000 from the Private Postsecondary and Vocational Education Administration Fund to the bureau for the purpose of funding 5 education administration positions, and would continue that fund in existence and rename it as the Private Postsecondary Education Administration Fund. The bill also would continue the existence of the continuously appropriated Student Tuition Recovery Fund, would provide that certain violations of the new act are punishable as infractions, and would authorize a student or graduate of an institution to bring an action for specified violations of the act. The bill would impose reporting requirements on the bureau and the Legislative Analyst's Office regarding compliance with the act. The bill would impose various fees, in unspecified amounts, in connection with a private postsecondary institution's approval to operate under the act and would require those fees to be deposited in the Private Postsecondary Education Administration Fund, for expenditure, upon appropriation by the Legislature, by the bureau for the purposes of the act. The bill would repeal the California Private Postsecondary Education Act of 2009 on January 1, 2016.

**STATUS:**

4/13/2009 Assembly Business and Professions Committee.

**AB 657**

**AUTHOR:** Hernandez [D]  
**TITLE:** Health Professions Workforce: Master Plan  
**INTRODUCED:** 2/25/2009  
**AMENDED:** 4/27/2009

**SUMMARY:**

This bill would require the Office of Statewide Health Planning and Development, in collaboration with the California Workforce Investment Board, to establish the Health Professions Workforce Task Force, comprised of specified members, to assist in the development of a health professions workforce master plan for the state, and would prescribe the functions and duties of the task force in that regard. The bill would require the task force to submit to OSHPD and the Legislature a statewide health professions workforce master plan. The Task Force would be comprised by representatives from the Legislature, University of California Regents, California State University, California Community Colleges, State Department of Education, Public Schools

Health Sciences Program, Labor, Health Care Industry, Community-Based Organizations, Allied Health Professions and Workforce Investment Boards.

**STATUS:**

4/15/2009 Assembly Appropriations Committee.

**AB 750**

**AUTHOR:** Bass [D]

**TITLE:** "Back on Track" Re-entry Programs

**INTRODUCED:** 2/26/2009

**SUMMARY:**

Existing law provides for a deferred entry of judgment program for first time, non-violent drug offenders violating specific sections of the Health & Safety Code. The provisions provide that no judgment of conviction is entered until and unless the defendant is unsuccessful in a rehabilitation program. The board cannot ask about arrests on its initial application, so it does not obtain data about those falling into this program at the time of application. The board does receive reports for any new arrest for fingerprinted licensees through the subsequent arrest notification provisions. Although it cannot use the arrest as a basis of discipline, if it can show the underlying conduct, the board can use the substance abuse as a basis of discipline. This bill would create an expanded deferred entry of judgment program for first-time, nonviolent, **felony** drug offenders and would exclude only those offenses that are sex crimes from those eligible for the program. As a result of this bill, convictions would not occur that the board could not ask about at the time of licensing and no exception applies to require disclosure. The Governor vetoed a nearly identical bill last year with a statement indicating that the bill was unnecessary given the existing deferred entry of judgment provisions (AB 2541, Bass).

**STATUS:**

4/29/2009 Assembly Appropriations Committee Suspense File

**AB 877**

**AUTHOR:** Emmerson [R]

**TITLE:** Healing Arts: Scope of Practice

**INTRODUCED:** 2/26/2009

**AMENDED:** 4/14/2009

**SUMMARY:**

This bill would require the Director of Consumer Affairs to appoint a scope of practice committee of 5 members, as specified, to perform occupational analyses and prepare written reports, as specified, on any bills seeking to substantively expand the scope of a healing arts practice. The bill would require that the reasonable cost of an analysis and report be paid by the affected licensing board, as specified.

**STATUS:**

4/15/2009 Assembly Business and Professions Committee

**AB 1310**

**AUTHOR:** Hernandez [D]

**TITLE:** Healing Arts Database

**INTRODUCED:** 2/27/2009

**AMENDED:** 4/2/2009

**SUMMARY:**

This bill relates to the collection, analysis, and distribution of information on the

health care workforce employment and educational data trends for the state. It revises provisions to update information contained in the Health Care Workforce Clearinghouse database, and requires specified healing arts boards to add and label as mandatory specified fields on an application for initial licensure or a renewal form for applicants. The Board of Vocational Nursing and Psychiatric Technicians is designated as one of those boards. The Division would be required to submit the data to the Clearinghouse annually on or before January 1.

**STATUS:**

4/15/2009

Assembly Appropriations Committee

**AB 1416**

**AUTHOR:**

Galgiani [D]

**TITLE:**

Permissive Site Visits

**INTRODUCED:**

2/27/2009

**SUMMARY:**

This bill will authorize the Board to conduct school inspections by means of a visit, review of specified school documents, or both, as determined by the Board. Currently, the Board is mandated to conduct site visits for all new schools that seek initial accreditation. This bill would make such visits discretionary.

**STATUS:**

5/4/2009

Assembly Consent Calendar

**AB 1430**

**AUTHOR:**

Swanson [D]

**TITLE:**

Pupil Health: Licensed Nurses

**INTRODUCED:**

2/27/2009

**AMENDED:**

4/27/2009

**SUMMARY:**

This bill would address the Superior Court ruling relating to the administration of medication to pupils in California public elementary and secondary schools. This bill authorizes that any medication that is administered to a pupil who is required to take it during the regular school day, when prescribed by a physician or surgeon, shall be administered by a health care professional operating within the scope of his or her practice. The bill would specify that, for the purposes of these provisions, the practice of nursing is defined as specified in the Nursing Practice Act. The bill would also codify the regulations of the State Department of Education that are referred to above with respect to the administration of medication to a pupil.

**STATUS:**

4/28/2009

Assembly Business and Professions Committee

**SB 43**

**AUTHOR:**

Alquist [D]

**TITLE:**

Health Professions

**INTRODUCED:**

1/26/2009

**AMENDED:**

4/20/2009

**SUMMARY:**

This bill would authorize the healing arts boards, as defined, to collect information regarding the cultural and linguistic competency of persons licensed, certified, registered, or otherwise subject to regulation by those

boards. The bill would require that this information be used only for the purpose of meeting the cultural and linguistic concerns of the state's diverse patient population. This bill would additionally require the director to permit the use of that information in order to enable the Office of Statewide Health Planning and Development to obtain specified data for the health care workforce clearinghouse. The bill would specify that personally identifiable information obtained by that office for the health care workforce clearinghouse is confidential and not subject to public inspection. Board staff provided an analysis of fiscal impact to the Department of Consumer Affairs in January 2009, estimating the cost to implement this bill would be \$122,000 annually.

**STATUS:**

4/21/2009

Senate Appropriations Committee

**SB 389**

**AUTHOR:** Negrete McLeod [D]  
**TITLE:** Fingerprinting Requirement  
**INTRODUCED:** 2/26/2009  
**AMENDED:** 5/5/2009

**SUMMARY:**

This bill would require applicants to certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record checks. The bill would require applicants for a license and, commencing January 1, 2011, licensees who have not previously submitted fingerprints, or for whom a record of the submission of fingerprints no longer exists, to successfully complete a state and federal level criminal offender record information search, as specified. The bill would require licensees to certify compliance with that requirement, and would subject a licensee to disciplinary action for making a false certification. The bill would also require a licensee to, as a condition of renewal of the license, notify the board on the license renewal form if he or she has been convicted of a felony or misdemeanor since his or her last renewal, or if this is the licensee's first renewal, since the initial license was issued. The Board of Vocational Nursing and Psychiatric Technicians is included in the list of agencies to which this bill applies. The Board currently requires fingerprinting and certification of compliance; however, this proposal would strengthen the Board's statutory authority to support the recent regulations contained in the California Code of Regulations sections 2517.5 (VN) and 2575.5 (PT).

**STATUS:**

4/21/2009

Senate Appropriations Committee

**SB 489**

**AUTHOR:** Liu [D]  
**TITLE:** Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009

**INTRODUCED:** 02/26/2009

**AMENDED:** 4/1/2009

**SUMMARY:**

The bill would require the California Postsecondary Education Commission to establish a Bureau for Private Postsecondary Education to function as the statewide private postsecondary and vocational educational licensing and enforcement agency. The bill would require the commission, working through its executive director, to fulfill specified functions and responsibilities, and would require each private postsecondary education institution desiring to operate in

this state to apply to the bureau for licensure. The bill would establish procedures and standards for application and bureau licensure. The bill would authorize the commission to impose a school licensure fee on each institution making application to the bureau, in accordance with an unspecified fee schedule, and would require the costs of implementing the act to be covered by fee revenues. The bill would require the Legislative Analyst's Office, by January 1, 2013, to review the effectiveness of the bureau in implementing the act and submit a report of its findings to the commission, the Legislature, and the Governor.

**STATUS:**

4/20/2009

Senate Business, Professions, and Economic Development  
Committee – Hearing cancelled at request of author

**SB 599**

**AUTHOR:** Negrete McLeod (D)  
**TITLE:** Workforce Development  
**INTRODUCED:** 02/27/2009  
**AMENDED:** 04/20/2009  
**SUMMARY:**

This bill would require the successor agency to the former Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to transmit any available data regarding school performance, as prescribed, it receives from any schools under its jurisdiction to the California Postsecondary Education Commission. However the bill would make this provision operative only if AB 48 of the 2009-10 Regular Session is enacted and becomes effective on or before January 1, 2010, and creates a successor agency to the former Bureau for Private Postsecondary and Vocational Education. The act also, establishes local workforce boards to develop, implement, and coordinate local workforce investment plans, as prescribed. This bill would additionally provide that it is the duty of the local board to award grants or contracts to national-, regional-, or industry-accredited private postsecondary educational institutions for job training services and education programs. By imposing new duties on local workforce boards with regard to the provision of job training and education programs, the bill would impose a state-mandated local program. Existing law creates the California Dental Corps Loan Repayment Program of 2002 in the Dental Board of California, and transfers \$3,000,000 from the State Dentistry Fund to the Dentally Underserved Account of that fund for purposes of the program for 3 specified fiscal years, through the 2005-06 fiscal year. The program assists dentists who practice in an underserved area with loan repayment pursuant to an agreement between the board and the dentist, as specified. This bill would require the board, on or after July 1, 2010, to extend the program and distribute the money remaining in the account .until July 1, 2011

**STATUS:**

04/20/2009

Senate Business, Professions and Economic Development  
Committee

**SB 638****AUTHOR:** Negrete McLeod [D]**TITLE:** Regulatory Boards**INTRODUCED:** 2/27/2009**SUMMARY:**

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy committees of the Legislature to carry out its duties. The bill would terminate the terms of office of each board member or bureau chief within the Department of Consumer Affairs on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if their annual report contains certain information, to post it on its Internet Web site. The bill would make other conforming changes.

**STATUS:**

4/21/2009

Senate Rules Committee

**SB 821****AUTHOR:** Senate Committee on Business, Professions, and Economic Development (Negrete McLeod, Chairperson)**TITLE:** Healing Arts Licensees (Interim Permits)**INTRODUCED:** 3/10/2009**AMENDED:** 4/30/2009**SUMMARY:**

Existing law provides for the licensure and regulation of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians. Existing law provides, upon application, for the issuance of an interim permit authorizing a VN or PT applicant to practice all skills in his or her basic course of study, pending the results of a licensing examination. This bill would require the application for an interim permit to be submitted no later than 4 months after completion of a board-accredited program, and would limit the use of the permit to 9 months, as specified.

**STATUS:**

4/30/2009

Senate Appropriations Committee

(5/7/09)